

1 JOHN A. DICICCO
Principal Deputy Assistant Attorney General

2
3 ANDY R. CAMACHO
Trial Attorney, Tax Division
4 U.S. Department of Justice
P.O. Box 683
5 Ben Franklin Station
Washington, D.C. 20044-0683
6 (202) 307-1481
andy.r.camacho@usdoj.gov
7 Attorneys for the United States of America

8 DANIEL G. BOGDEN
9 United States Attorney
Of Counsel

10
11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**
13

14 RUNVEE INC.,

15 Plaintiff,

16 v.

17 UNITED STATES OF AMERICA,

18 Defendant.
19
20

CASE NO. 2:10-cv-02260-KJD-GWF

**STIPULATION AND JOINT MOTION
TO EXTEND DISCOVERY AND
DISPOSITIVE MOTION DEADLINES**
(First Request)

21 The United States of America and plaintiff, Runvee Inc., by and through undersigned
22 counsel, who hereby submit this Stipulation and Joint Motion to extend the discovery deadline
23 from March 5, 2012 to April 6, 2012. Additionally, the parties request that the deadline to file
24 dispositive motions be extended from April 4, 2012 to June 1, 2012, and the deadline to file the
25 proposed Pre-trial Order be extended from May 4, 2012 to June 22, 2012. In the event a
26 dispositive motion is filed, the parties request that the date for filing the proposed joint Pre-Trial
27
28

Order shall be suspended until thirty (30) days after decision upon the dispositive motion or further order of the Court. In support of this Stipulation and Joint Motion, the parties submit as follows:

1. On June 8, 2011, the Court entered its Scheduling Order [Doc. No. 18], setting the discovery cut-off date for March 5, 2012. The Court's Scheduling Order further set the dispositive motion deadline in this matter for April 4, 2012 and the proposed Joint Pre-Trial Order deadline for May 4, 2012.

2. A Scheduling Order may be modified "for good cause and with the judge's consent." Fed. R. Civ. P. Rule 16(b). The Ninth Circuit has held that the showing of "good cause" under Rule 16(b) focuses on "the reasonable diligence of the moving party." *Noyes v. Kelly Services*, 488 F.3d 1163, 1174 (9th Cir. 2007) (citing *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)). Under Rule 16(b), the good cause standard should be "liberally construed." *Export-Import Bank of the United States v. Asia Pulp & Paper Co.*, 233 F.R.D. 338, 342 (S.D.N.Y. 2005).

3. Since the filing of this action, the parties have completed the following discovery:

- On May 17, 2011, the Plaintiff served its Initial Disclosures in this case, which consisted of 585 pages of documents (RUNVEE000001-000585).
- On May 25, 2011 the United States served its Initial Disclosures in this case.
- On May 27, 2011, the Plaintiff served its First Set of Interrogatories on the United States.
- On June 8, 2011, the United States served documents on the Plaintiff via e-mail which were referenced in United States' Initial Disclosures.
- On June 29, 2011, the United States served its Response to the Plaintiff's First Set of Interrogatories.

- 1 • On July 20, 2011 the United States served its First Request for Production of Documents
- 2 on the Plaintiff.
- 3 • On July 27, 2011, the United States served subpoenas *duces tecum* on Centex Homes and
- 4 Nevada Title Company.
- 5 • On August 5, 2011, the Plaintiff served its First Request for Production of Documents to
- 6 the United States.
- 7 • On August 8, 2011, the Runvee served its Response to the United States' First Request
- 8 for Production of Documents.
- 9 • On August 19, 2011, the United States served additional discovery on the plaintiff via US
- 10 Mail, and provided the Plaintiff with documents received from Nevada Title pursuant to a
- 11 subpoena *duces tecum*.
- 12 • On September 7, 2011, the United States served its Response to the Runvee's First
- 13 Request for Production of Documents.
- 14 • On September 12, 2011, the Plaintiff served its Second Set of Interrogatories on the
- 15 United States.
- 16 • On September 19, 2011, the Plaintiff served its Notices of Taking the Depositions of
- 17 Douglas Wolf and Eric Sullivan.
- 18 • On October 18, 2011, the United States served its Response to the Plaintiff's Second Set
- 19 of Interrogatories.
- 20 • By letter dated October 18, 2011, the Plaintiff provided to the United States the
- 21 documents received from Eric Sullivan pursuant to the Plaintiff's subpoena.
- 22 • On October 24, 2011, the parties took the deposition of Eric Sullivan.
- 23
- 24
- 25
- 26
- 27
- 28

- 1 • On December 14, 2011, the United States served Rabobank with a subpoena *duces tecum*
2 in response to which Rabobank has produced documents.
- 3 • On or about December 16, the United States made informal discovery requests to
4 plaintiff's counsel for documents in the possession of entities related to the indirect
5 owners of Runvee, Inc. In response, the plaintiff's counsel has provided informal
6 discovery.
- 7 • On December 22, 2011, the United States served its Requests for Admission on the
8 plaintiff.
- 9 • On December 27, 2011, the United States served its First Request for Interrogatories on
10 the plaintiff.
- 11 • On January 4, 2012, the United States served its expert report by David LaRue.
- 12 • On January 12, 2012, the United States served subpoenas on Douglas Wolf and
13 Integrated Capital Associates, Inc. for documents and testimony.
- 14 • On or about January 12, 2012, the plaintiff noticed the depositions of Garth Osterman,
15 David Thompson and Carl Stoney, who are partners at Reed Smith LLP.
- 16 • On or about mid-January, 2012, the plaintiff provided additional documents pursuant to
17 the United States' informal request for discovery.
- 18 • On January 24, 2012, the United States served Brad Burns with a subpoena *ad*
19 *testificandum*.
- 20 • On January 25, 2012, Rabobank provided the final batch of documents in response to the
21 United States' subpoena. Those documents have been provided to the plaintiff.
- 22 • On or about January 24, 2012, the plaintiff served its response to the United States'
23 Requests for Admissions.

- 1 • On or about January 24, 2012, the plaintiff served its response to the United States' First
- 2 Request for Interrogatories.
- 3 • On January 27, 2012, the United States produced additional documents to the plaintiff.
- 4 • On February 2 and 3, 2012, the United States took the deposition of Marcus Shaw in
- 5 Hong Kong, SAR.
- 6 • On February 3, 2012, the United States provided Reed Smith with a subpoena *duces*
- 7 *tecum* and requested that it waive service.
- 8

9 4. The parties anticipate having the following discovery to be completed:

- 10 • On February 15, 2012, the depositions of Reed Smith LLP partners Garthman,
- 11 Osterman and Stoney in San Francisco, California.
- 12 • During the week of February 20, 2012, the depositions of Brad Burns and Stephen
- 13 Rice subject to confirmation of availability of the third-parties.
- 14 • During the week of February 27, the deposition of John Shaw in Hong Kong.
- 15 • On March 6 and 7, the depositions of Douglas Wolf, Integrated Capital
- 16 Associates, Inc. and International Counselors & Advocates LLP in San Francisco,
- 17 California.
- 18 • On March 9, 2012, the deposition of the government's expert, David LaRue in
- 19 Denver, Colorado.
- 20 • During the week of March 12 or 19, the deposition of Christopher Cortland and
- 21 possibly Helen Del Bove in New York, New York.
- 22 • During the period, the United States will continue to search for the whereabouts
- 23 of Douglas Mullins, who was disclosed by the Plaintiff, and Julian Trinder, who
- 24
- 25
- 26
- 27
- 28

1 the United States believes is associated with Douglas Mullins, and attempt to
2 secure their appearance for a deposition.

3 5. An extension of time until April 6, 2012 will afford the parties additional time to
4 resolve scheduling issues and complete fact discovery. Additionally, an extension of the
5 dispositive motion deadline will afford the parties time to file such motions after the close of
6 discovery.
7

8 6. Accordingly, the undersigned have agreed that an extension of existing deadlines will
9 facilitate the parties to complete necessary discovery and discussions about the factual and legal
10 merits of this action. This motion is not made for delay, but to advance this litigation.

11 7. This is the parties' first request for an extension of time in this matter.

12 ///

13 ///

14 ///

1 For the reasons listed above, and in the interests of the parties and the Court, the parties
2 respectfully request that the Court extend the discovery deadline from March 4, 2012 to April 6,
3 2012. Additionally, the parties request that the Court extend dispositive motion deadline from
4 April 4, 2012 to June 1, 2012, and that the Court extend the proposed Pre-Trial Order deadline
5 from May 4, 2012 to June 22, 2012.
6

7 Respectfully submitted this 10th day of February, 2012.

8
9 Sideman & Bancroft LLP

10 /s/ Jay R. Weill

11 Jay R. Weill
12 One Embarcadero Center, 8th Floor
13 San Francisco, CA 94111

JOHN A. DICICCO
Principal Deputy Assistant Attorney
General

14 /s/ Andy R. Camacho

15 Andy R. Camacho
16 Trial Attorney, Tax Division
17 U.S. Department of Justice

18 IT IS SO ORDERED

19 
20 UNITED STATES MAGISTRATE JUDGE

21 DATED: February 21, 2012
22 _____
23
24
25
26
27
28

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing **STIPULATION AND JOINT MOTION TO EXTEND DISCOVERY AND DISPOSITIVE MOTION DEADLINES** (First Request) has been made this 10th day of February, 2012, by the Court's CM/ECF system to the following:

Jay R. Weill, Esq.
Sideman & Bancroft LLP
One Embarcadero Center, Eighth Floor
San Francisco, CA 94111
(415) 392-1960 (Office)
(415) 392-0827 (Facsimile)
jweill@sideman.com

Peter S. Christiansen, Esq.
CHRISTIANSEN LAW OFFICES
9910 West Cheyenne Ave., Suite 110
Las Vegas, Nevada 89129
pchristiansen@christiansenlaw.com
Attorneys for Plaintiff

/s/ Andy R. Camacho
ANDY R. CAMACHO
Trial Attorney, Tax Division
U.S. Dept. of Justice